

ELEVENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Sixth Special Session)

SENATE
OFFICE OF THE SECRETARY

'01 JUN -4 P9 51

SENATE

RECEIVED BY:

COMMITTEE REPORT NO. 656

Submitted by the Committee on Justice and Human Rights on
04 JUN 2001

Re : House Bill No. 12228, taking into consideration Senate Bill No. 1178.

Recommending its approval without amendments.

Sponsors : Senators Cayetano and Drilon.

MR. PRESIDENT :

The Committee on Justice and Human Rights to which was referred House Bill No. 12228, introduced by Representatives Chipeco, Saludo, Fajardo, Amin, Rodriguez (O.), Mendoza, Baterina, Young, Briones, Quimpo, Tulagan, Cruz (T.), Bueser, Lorenzo-Villareal, Joson, Cruz-Ducut, Roman, Beratio, Lapus, Martinez, Rodriguez (I.), Espinosa (E.), Macias, Cosalan, Shahani, Cagas, Gonzales (N.), Maliksi, Vergara, Perez, Andaya (M.), Ermita, Aquino (A.), Angping, Fuentebella, Gullas, Angara-Castillo and Villar, entitled:

**"AN ACT
PROVIDING FOR THE ACQUISITION OF PHILIPPINE CITIZENSHIP
FOR CERTAIN ALIENS BY ADMINISTRATIVE NATURALIZATION AND
FOR OTHER PURPOSES"**

taking into consideration Senate Bill No. 1178, introduced by Senator Drilon,
entitled:

**"AN ACT
PROVIDING FOR THE ACQUISITION OF PHILIPPINE CITIZENSHIP
FOR CERTAIN ALIENS BY ADMINISTRATIVE NATURALIZATION AND
FOR OTHER PURPOSES"**

has considered the same and has the honor to report it back to the Senate with the
recommendation that it be approved without amendments.

Respectfully submitted :



RENATO L. COMPANERO CAYETANO
Chairman and Minority Leader

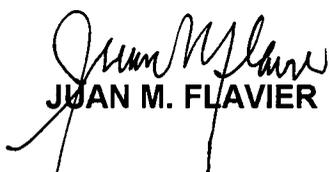
ROBERT Z. BARBERS
Vice - Chairman

Members:

JUAN PONCE ENRILE



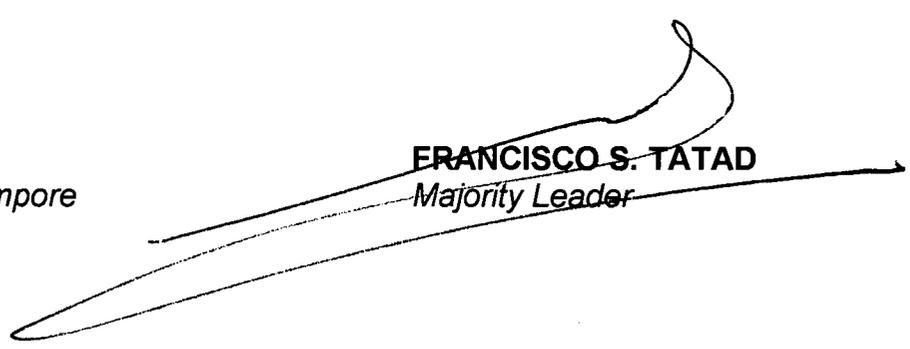
RODOLFO G. BIAZON



JUAN M. FLAVIER

Ex - Officio Members :

BLAS F. OPLE
President Pro-Tempore



FRANCISCO S. TATAD
Majority Leader

THE HONORABLE
Senator AQUILINO Q. PIMENTEL JR.
President
Senate of the Philippines
Pasay City

ELEVENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

'98 SEP -2 P5:11

SENATE

S. No. 1178

RECEIVED BY: 

Introduced by: Senator Franklin M. Drilon

EXPLANATORY NOTE

Naturalization signifies the act of formally adopting a foreigner into the political body of a nation by clothing him with the privileges of a citizen.

In our jurisdiction, the process of admitting aliens as citizens of the Republic is governed by Commonwealth Act No. 473, otherwise known as the Revised Naturalization Law of 1939. Many, however, believe that the law should be re-examined as the same is perceived to be no longer responsive to the increasing demands of the ever-changing international migration and domestic policies. One of the perceived inadequacies of the existing law is its failure to give due consideration, regard and recognition to aliens born and residing in the Philippines.

Despite the fact of their being born in the Philippines and their continuous residence therein, they continue to be regarded and treated under the existing laws just like all other aliens, mainly due to their foreign parentage. The requirements set by law for their naturalization are not much different from those provided for other classes of aliens.

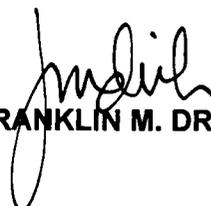
But while it may indeed be difficult for them to become citizens, they have no choice but to submit themselves to the statutorily required rigorous process of judicial naturalization. To be sure, majority of these native-born resident aliens in the country prefer living in the Philippines and had even discounted the thought of setting foot in the country of origin of their parents. What is more they have distinctly demonstrated their fealty to the Philippines by: (1) studying in educational institutions recognized by the government, (2) exhibiting their affinity to the customs and traditions of Filipinos; and, (3) contributing to the economic, social and cultural development of the county.

These aliens, therefore, having been born and continuously residing in the Philippines, deserve special consideration.

This bill, therefore, seeks to provide a special administrative process for the naturalization of these aliens based on the following considerations:

1. The administrative process shall provide a speedier recourse for government to harness the entrepreneurial skills of these aliens for the generation of more employment.
2. The implementation of this administrative naturalization provides a good occasion to impose appropriate fees.
3. The administrative process shall enrich the body politic and assure the continuing inter-racial evolution of the country.

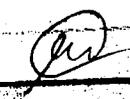
Above premises considered, early passage of the bill is, therefore, earnestly recommended.


FRANKLIN M. DRILON

ELEVENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

'98 SEP -2 P5:11

SENATE

RECEIVED BY: 

S. No. 1178

Introduced by: Senator Franklin M. Drilon

**AN ACT
PROVIDING FOR THE ACQUISITION OF PHILIPPINE CITIZENSHIP FOR
CERTAIN ALIENS BY ADMINISTRATIVE NATURALIZATION AND FOR
OTHER PURPOSES**

*Be it enacted by the Senate and the House of Representatives of the
Philippines in Congress assembled:*

SEC. 1. *Short Title.* This Act shall be known as "*The Administrative
Naturalization Law of 1998.*"

SEC. 2. *Declaration of Policy.* The State shall control and regulate the
admission and integration of aliens into its territory and body politic including the
grant of citizenship to aliens. Towards this end, aliens born and residing in the
Philippines may be granted Philippine citizenship by administrative proceeding
subject to certain requirements dictated by national security and interest.

SEC. 3. *Qualifications.* Subject to the provisions of the succeeding
section, any person desiring to avail of the benefits of this Act must meet the
following qualifications:

- a. The applicant must be born in the Philippines and residing therein
since birth;
- b. The applicant must not be less than 18 years of age at the time of the
filing of his/her petition;
- c. The applicant must be of good moral character and believes in the
principles underlying in the Constitution, and must have conducted
himself/herself in a proper and irreproachable manner during his/her
entire period of residence in the Philippines in relation with the duly
constituted government as well as with the community in which
he/she is living;

- d. The applicant must have received his/her primary and secondary education in any public schools or private educational institutions duly recognized by the Department of Education, Culture and Sports, where Philippine history, government and civics are taught and prescribed as part of the school curriculum and where enrollment is not limited to any race or nationality, provided that: should he/she have minor children of school age, he/she must have enrolled them in similar schools;
- e. The applicant must have a known trade, business, profession, or lawful occupation, from which he/she derives income sufficient for his/her support and, if he/she is married and/or has dependents, also that of his/her family;
- f. The applicant must be able to read, write and speak Pilipino or any of the dialects of the Philippines; and,
- g. The applicant must have mingled with the Filipinos and evinced a sincere desire to learn and embrace the customs and traditions and ideals of the Filipino people.

SEC. 4. *Disqualifications.* The following are not qualified to be naturalized as Filipino citizens under this Act:

- a. Those opposed to organized government or affiliated with any association or group of persons who uphold and teach doctrines opposing all organized government;
- b. Those defending or teaching the necessity of or propriety of violence, personal assault, or assassination for the success or predominance of their ideas;
- c. Polygamist or believers in the practice of polygamy;
- d. Those convicted of crimes involving moral turpitude;
- e. Those suffering from mental alienation or incurable contagious diseases;
- f. Those who, during the period of their residence in the Philippines, have not mingled socially with the Filipinos, or who have not

evinced a sincere desire to learn and embrace the customs, traditions, and ideals of the Filipinos;

- g. Citizens or subjects of nations with whom the Philippines is at war, during the period of such war;
- h. Citizens or subjects of a foreign country whose laws do not grant Filipinos the right to be naturalized citizens or subjects thereof.

SEC. 5. *Petition of citizenship.* (1) Any person desiring to acquire Philippine citizenship under this Act shall file with the Department of Justice, a petition in five (5) copies, legibly typed and signed, thumbmarked and verified by him/her, with the latter's passport sized photograph attached to each copy of the petition, and setting forth the following:

- a. The petitioner's name and surname and any other name he/she has used or by which he/she is known;
- b. The petitioner's present and former places of residence;
- c. The petitioner's place and date of birth, the names and citizenship of his/her parents and their residences;
- d. The petitioner's trade, business, profession, or occupation, and if married, also that of his/her spouse;
- e. Whether the petitioner is single or married or his/her marriage is annulled. If married, petitioner shall state the date and place of his/her marriage, and the name date of birth, birthplace, citizenship and residence of his/her spouse. If widowed, the date and place of death of his/her spouse; and if his marriage is annulled, the date of decree of annulment of marriage and the court which granted the same.
- f. If the petitioner has children, the name, date and birthplace and residences of his/her children;
- g. A declaration that the petitioner possesses all the qualifications and none of the disqualification under this Act.
- h. A declaration that the petitioner shall never be a public charge;
- i. A declaration that it is petitioner's true and honest intention to acquire Philippine citizenship and to renounce absolutely and forever any

prince, potentate, state, or sovereignty, and particularly the country of which the applicant is a citizen or subject.

- (2) The petition should be accompanied by:
- a. Duplicate original or certified photocopies of petitioner's birth certificate;
 - b. Duplicate original or certified photocopies of petitioner's alien certificate of registration and native born certificate of residence;
 - c. Duplicate original or certified photocopies of petitioner's marriage certificate, if married; or the death certificate of his spouse, if widowed, or the court decree annulling his marriage, if such was the fact;
 - d. Duplicate original or certified photocopies of birth certificates, alien certificate of registration or native born certificate of residence if any, of petitioner's minor children, whenever applicable.
 - e. Affidavit of financial capacity by the petitioner, and sworn statements on the good moral character of the petitioner by at least two (2) Filipino citizens of good reputation in his/her place of residence stating that they personally know the petitioner to be a person of good repute and morally irreproachable, and that said petitioner has in their own opinion all the qualifications necessary to become a citizen of the Philippines and is not in any way disqualified under the provisions of this Act.
 - f. A medical certificate that petitioner is not a user of prohibited drugs or otherwise a drug dependent and that he/she is not afflicted with Acquired Immune Deficiency Syndrome (AIDS).
 - g. School Diploma and transcript of records of the petitioner in the schools he attended in the Philippines. Should the petitioner have minor children, a certification that his children are enrolled in a school where Philippine history, government, and civics are taught and are part of the curriculum.

- h. If gainfully employed, the income tax return for the past three (3) years.

Every page of the petition, as well as all pages of the annexes and supporting documents, must be signed by the petitioner in addition to the signatures thereof of persons executing or issuing the same.

SEC. 6. Duty of the Department of Justice. Upon the filing of the petition with the Department of Justice, the petitioner shall pay a processing fee of Ten Thousand Pesos (Php. 10,000.00): Thereafter, the petition shall be stamped to indicate the date of filing and the petition shall receive a corresponding docket number. Within fifteen (15) days from receipt of the petition, the Department of Justice shall determine whether the petition is complete in substance and in form. If such petition is complete in substance and form, the Department of Justice shall immediately publish the same at the petitioner's expense, once a week for three (3) consecutive weeks in any newspaper of general circulation and have copies of the petition posted in any public or conspicuous area in the Department building, offices or premises. The Department shall likewise immediately furnish the Department of Foreign Affairs (DFA), Bureau of Immigration (BI), Civil Registry of the petitioner's place of residence, and the National Bureau of Investigation (NBI) copies of the petition and its supporting documents. These agencies shall have copies of the petition posted in any public or conspicuous area in their buildings, offices and premises and shall within thirty (30) days from receipt of the petition submit to the Department of Justice a report stating whether or not petitioner has any derogatory record on file or any such relevant and material information which might be adverse to petitioner's application for citizenship.

If the petition is found by the Department of Justice to be wanting in substance and form, the petition shall be dismissed without prejudice.

Sec. 7. Approval or Disapproval of the Petition. Within sixty (60) days from receipt of the report of the agencies which were furnished a copy of the petition or the date of the last publication of the petition, whichever comes later, the Department of Justice shall consider and review all relevant and material

information it has received pertaining to the petition and may, for the purpose, call the petitioner for interview to ascertain his/her identity, the authenticity of the petition and its annexes, and to determine the truthfulness of the statements and declarations made in the petition and its annexes.

If the Department shall have received any information adverse to the petition, the Department shall allow the petitioner to answer, explain or refute such information.

Thereafter, if the Department believes in view of the facts before it that the petitioner has all the qualifications and none of the disqualifications required for Philippine citizenship under this Act, it shall approve the petition and henceforth notify the petitioner of the fact of such approval. Otherwise, the Department shall disapprove the same.

SEC. 8. *Decree of naturalization and naturalization processing fee.* Within thirty (30) days from receipt of the notice of the approval of his/her petition, the petitioner shall pay to the Department of Justice a naturalization processing fee of Ten Thousand (Php.10,000.00) Pesos: for which the petitioner shall be issued the proper receipt and subsequently a decree of naturalization. Within sixty (60) days from the issuance of the decree, the petitioner shall take an oath of allegiance in the proper form before the Bureau of Immigration upon presentation of the receipt showing payment of the naturalization processing fee and the proper decree of naturalization. Should the petitioner fail to take the above oath of allegiance within the given period, the approval of the petition shall be deemed withdrawn.

SEC. 9. *Duty of the Bureau of Immigration.* Within five (5) days after petitioner has taken the oath of allegiance as required in the preceding section, the Bureau of Immigration shall forward a copy of the petitioner's oath before the proper Local Civil Registrar for registration. Thereafter, the Bureau of Immigration shall cancel the alien certificate of registration of the naturalized citizen.

SEC. 10. *Status of Alien Wife and Minor Children.* After the approval of the petition for administrative naturalization and cancellation of petitioner's alien certificate of registration, petitioner's alien lawful wife and minor children may file

a petition for cancellation of their alien certificate of registration with the Bureau of Immigration subject to the requirements of existing laws.

SEC. 11. *Status of Alien Husband and Minor Children.* If the applicant is a married woman, the approval of her petition for administrative naturalization will not benefit his alien husband but her minor children may file a petition for cancellation of their alien certificate of registration with the Bureau of Immigration subject to the requirements of existing laws.

SEC. 12. *Perjury.* Any petitioner who violates his or her oath as required under Section 5 hereof by knowingly making untruthful statements on any material matter alleged in the petition shall be liable for perjury under the Revised Penal Code. In addition to the penalty imposed on perjury, the subsequent conviction of the applicant shall revoke the decree of naturalization that may have been earlier issued.

SEC. 13. *Implementing Rules and Regulations.* The Secretary of Justice is hereby authorized to promulgate such rules and regulations as may be needed for the proper implementation of the provisions of this Act.

SEC. 14. *Repealing Clause.* All provisions of existing laws, orders, decrees, and regulations contrary to or inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 15. *Separability Clause.* If any part, section or provision of this Act is declared invalid or unconstitutional, the part, section or provision not affected thereby shall continue to be in full force and effect.

SEC. 16. *Effectivity Clause.* This Act shall take effect after fifteen (15) days following its publication in at least two (2) newspapers of general circulation.

Approved,